

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEON WEINGRAD, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

EXACT CARE PHARMACY, LLC

Defendant.

Case No.
2:25-cv-1843

DECLARATION OF LEON WEINGRAD

1. My name is Leon Weingrad. I am over 18 years old. I can testify competently to the undersigned statements.
2. My telephone number 503-XXX-XXXX is on the National Do-Not-Call Registry.
3. My telephone number 503-XXX-XXXX is a residential cellular telephone number.
4. I am the user of 503-XXX-XXXX.
5. The 503-XXX-XXXX number is registered in my name and I am the subscriber of record.
6. I obtained the 503-XXX-XXXX number in July of 2024. It has been my number continually since that time.
7. This number is used for personal, family, and household purposes.
8. I do not know anyone named Joseph Arnold and have never met someone by that name.

9. I did not give Joseph Arnold permission to provide consent on my behalf to receive calls or text messages in any manner whatsoever.

10. Indeed, the information allegedly submitted to the “unitedstatesinsurance.com” website is not mine, nor is the IP address ending in 3.160.

11. It is also my understanding that this IP address goes back to an Amazon datacenter.

12. I do not subscribe to internet service from Amazon nor use Amazon’s datacenter services, know of nobody who does, and would not even know how to begin to set something like that up.

13. I have never inputted any information, let alone the name Joseph Arnold, into the “unitedstatesinsurance.com” website, or visited it, nor directed anyone to do so.

14. I also understand that the purported website visit relied upon by the Defendant lists an approximate geographic location as Salem, Oregon.

15. I do not live in Salem, Oregon.

16. I was not anywhere near Salem, Oregon on December 12, 2024.

17. I have reviewed the other assertions in the Defendant’s motion. They are perplexing and utterly false.

18. I note that, as part of this review, I reviewed the recordings I myself created of the calls at issue. Some of the recordings match, but the Defendant has presented three recordings corresponding to two calls which have been forged and omit critical parts of the conversation.

19. I made a full and complete recordings of the calls I received contemporaneously at the time each call was made to me.

20. I have retrieved and reviewed the recordings and provided them to my counsel. The recordings are a complete record of the calls from start to finish, have not been edited, and accurately reflect my own recollection of the calls.

21. By contrast, my recollection of the calls does not match the calls that were forged and presented by Exact Care as part of its motion. For example, on the second call on February 27, I explicitly remember being coached to say that I was on Medicaid. On the first call on the same day, I was asked about medications and my insurance information, both such lines of questioning are missing from the forged recording, but are present in my own recording.

22. As a consumer protection advocate, I have filed several lawsuits alleging violations of the Telephone Consumer Protection Act.

23. I am sometimes confused or perplexed by the calls I received, some of which appear to be made looking for an individual named “Joseph Arnold,” who I believe, but do not know for sure, was the previous person to whom my telephone number was assigned.

24. As such, I sometimes receive unwanted calls for a person named “Joseph Arnold.”

25. I did not give Joseph Arnold permission to provide consent on my behalf to receive call or text messages in any manner whatsoever.

26. Even so, identifying the origin of these callers who place unwanted and illegal calls to me is virtually impossible without engaging the callers in their telemarketing script and keeping them on the line in order to obtain their true corporate identities. Otherwise, the callers are impossible to identify and hold accountable for their actions, including because they will simply hang up without identifying themselves, as here, where the calls started with the illegal fictitious alias “Healthcare Benefits.”

27. In this case, it is evident that I would not have been able to affirmatively confirm that the callers were calling from Exact Care or identify their true identity at all without playing along with the script and stating that I was on Medicare, as I was instructed.

28. In any event, I could not have made a do not call request in any event by calling the number back, as I stated, because the telephone numbers were forged and spoofed.

29. I know an individual on Medicare, Jill, who has permitted me to use her information to identify callers who call me offering Medicare-related services illegally.

30. My actions in investigating the callers who illegally call me by engaging with their telemarketing scripts does not place me in a position to invite calls or deprive me of the injury these calls inflict upon me. Rather, my engagement with the callers who call me occurs only during the course of the illegal and unsolicited calls that they place to me on their own accord, without any interaction nor intervention from me. This engagement, in turn, only allows me to identify the callers who break the law by concealing their identities.

31. This engagement does not give the entities that call me consent to call me as an initial matter.

32. As a general matter, once I have identified the caller calling me illegally, I will make clear that I do not wish to continue to receive calls.

33. In this case, the first two calls I received from Exact Care in which I spoke to a representative, on November 11, 2024, and February 27, 2024, at the conclusion of each call, I was told that I was not eligible and the caller hung up.

34. As a result, I did not (and could not) make a do not call request, and in any event, would not have expected or wanted to receive further calls, let alone from a company who

would continue to call after stating that I was allegedly ineligible and who at one point explicitly stated that they would only call if eligibility changed.

35. However, any eligibility did not change and I still received calls; I was coached to lie on the calls to say I had Medicare in order to qualify.

36. To be clear, I do nothing to precipitate the illegal calls and messages which are placed to me. I do not want these communications, but they continue to be placed to me. They are highly annoying and disruptive.

37. I have never proactively created or found TCPA claims nor entrapped businesses. I do not welcome nor invite these illegal calls and have taken measures for them to stop, including by placing my number on the Do-Not-Call Registry and holding those who call me accountable for their actions.

38. I was harmed by the Defendant's calls and text messages. Illegal calls are frustrating, obnoxious, and annoying. They are a nuisance and disturbed my solitude.

39. As reflected on the final call I received from Exact Care, the calls disrupted my work.

40. My number is on the Do-Not-Call Registry, and I did not provide any consent for anyone to send calls to me.

41. I do not and have never welcomed nor wanted illegal calls and do nothing to receive or deserve them. My injury was done completely at the hands of Defendant, who took it upon itself to call me multiple times, including in violation of the TCPA.

42. I brought this case as a class action because I know that there are likely thousands more people in a similar situation such as myself, having received calls from Defendant without their consent, including calls sent with the provision of illegal and forged caller ID information.

43. I was not paid by anyone to investigate these calls.

44. I brought this case not for personal motives or financial gain, but as a bulwark for the rights of consumers against illegal telemarketing. I was not paid by anyone to do so.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 8th day of July 2025, in the United States of America,


Leon Weingrad (Jul 8, 2025 17:47 PDT)

Leon Weingrad